

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

AUG - 8 2018

David J. Bradley, Clerk

United States of America

Dagoberto FERNANDEZ-Olivo
YOB: 1967, COC MEX

Case No. M-18-1632-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 7, 2018 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 United States Code 922(g)

8 United States Code 1326

Offense Description

Knowingly and unlawfully, being an alien in the United States unlawfully in the United States; or admitted in the United States under a nonimmigrant visa, shipped or transported in interstate of foreign commerce, or possessed in or affecting commerce of one (1) AR-15 Rifle and one (1) .40 caliber Pistol

A native and citizen of the Mexico, and an alien who had been previously deported from the U.S after having been convicted of an aggravated felony, was unlawfully found in the U.S. in Roma, Texas, the said defendant having not obtained the consent of the Attorney General or the Secretary of Homeland Security of the United States for application by the defendant for readmission

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.

approved by
JST/KSR

Complainant's signature

Javier Salinas HSI TFO

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/08/20188:17 am

Judge's signature

City and state: McAllen, Texas

Peter Ormsby, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

On August 7, 2018, Homeland Security Investigations (HSI), Special Agents (SA) from the office of the Resident Agent in Charge, Falcon Dam, Texas (RAC/FD) responded to the Rio Grande City Border Patrol Station, relating to the apprehension of one (1) undocumented alien (UDA) in possession of one (1) Beretta .40 caliber semi-automatic pistol loaded with ten (10) rounds of ammunition and one (1) Rock River Arms AR-15 rifle.

On August 7, 2018 at approximately 10:02 A.M. Roma Police Department was dispatched to a residence in Roma, TX regarding shots fired. Upon arrival at the residence, a male subject later identified as Dagoberto FERNANDEZ-Olivo, was encountered sitting in his living room couch and was questioned regarding the discharge of a firearm. FERNANDEZ-Olivo stated to police officers that he fired five (5) shots from his AR-15 semi-automatic rifle into the air.

Roma Police Officers obtained consent to search the residence where they discovered a .40 Caliber pistol underneath the sofa cushion where FERNANDEZ-Olivo was previously sitting. A further search of the residence yielded the discovery of an AR-15 semi-automatic rifle. FERNANDEZ-Olivo was detained and cited for Discharging a Firearm within city limits. The U.S. Border Patrol station was contacted by the Roma Police Department to determine alienage. Agents determined that FERNANDEZ-Olivo was present in the United States illegally and was not in possession of any documents allowing him to remain in the United States.

HSI TFO arrived at the Rio Grande City Border Patrol Station and identified himself to FERNANDEZ-Olivo and provided FERNANDEZ-Olivo his Miranda Rights in the Spanish language. FERNANDEZ-Olivo read his rights, and stated that he understood his rights. FERNANDEZ-Olivo agreed to give HSI TFO a statement without the presences of an attorney.

FERNANDEZ-Olivo stated that he is a national and citizen of Mexico who is currently present in the U.S. without the proper Immigration documents. FERNANDEZ-Olivo stated to the HSI TFO that he had discharged five (5) rounds from the AR-15 into the air for no reason. FERNANDEZ-Olivo stated that he knew it is illegal to possess firearms while being illegally present in the United States.

The Beretta .40 caliber semi-automatic pistol and the Rock River Arms semi-automatic AR-15 were manufactured outside the State of Texas. Markings on the pistol indicate the pistol was manufactured in Gardone, Vermont and markings on the AR-15 indicate it was manufactured in Colona, Illinois.